

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Bonnen, Goldman, et al.

H.B. No. 574

A BILL TO BE ENTITLED

AN ACT

relating to the elements of the criminal offense of election fraud;  
increasing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 276.013(a) and (b), Election Code, are amended to read as follows:

(a) A person commits an offense if the person knowingly or intentionally makes any effort to:

(1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;

(2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; ~~or~~

(3) count invalid votes that the person knows to be invalid or alter a report to include invalid votes that the person knows to be invalid;

(4) fail to count valid votes that the person knows to be valid or alter a report to exclude valid votes that the person knows to be valid; or

(5) ~~(3)~~ cause any intentionally misleading statement, representation, or information to be provided:

(A) to an election official; or

(B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document.

(b) An offense under this section is a felony of the second

1 degree [~~Class A misdemeanor~~].

2 SECTION 2. This Act takes effect September 1, 2021.

**ADOPTED**

MAY 12 2021

By: Bryan Hughes

Lacey Shaw  
Secretary of the Senate  
H.B. No. 574

Substitute the following for H.B. No. 574:

By: Bryan Hughes

C.S. H.B. No. 574

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the creation of criminal offenses involving elections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Chapter 276, Election Code, is amended by adding  
5 Section 276.014 to read as follows:

6 Sec. 276.014. OTHER ELECTION OFFENSES. (a) A person  
7 commits an offense if the person knowingly or intentionally makes  
8 any effort to:

9 (1) count votes the person knows are invalid or alter a  
10 report to include votes the person knows are invalid; or

11 (2) refuse to count valid votes or alter a report to  
12 exclude valid votes.

13 (b) An offense under this section is a felony of the second  
14 degree.

15 SECTION 2. This Act takes effect September 1, 2021.

ADOPTED

✓✓  
MAY 12 2021

*Lacey Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*J. J. Hingji*

1 Amend C.S.H.B. No. 574 (senate committee printing) in SECTION  
2 1 of the bill, in added Section 276.014(a)(2), Election Code (page  
3 1, lines 30 and 31) by striking "valid votes or alter a report to  
4 exclude valid votes" and substituting "votes the person knows are  
5 valid or alter a report to exclude votes the person knows are  
6 valid".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 13, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (Relating to the creation of criminal offenses involving elections.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Election Code to establish a criminal offense relating to invalid votes.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

According to the Department of Criminal Justice, no significant fiscal impact to the state is anticipated.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 696 Department of Criminal Justice

**LBB Staff:** JMc, LBO, SMAT, GP, WP, MW, DA, GDZ, SLE, LCO

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 5, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB574** by Bonnen (relating to the creation of criminal offenses involving elections.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the Election Code to establish a criminal offense relating to invalid votes.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

According to the Department of Criminal Justice, no significant fiscal impact to the state is anticipated.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 307 Secretary of State, 320 Texas Workforce Commission, 530 Family & Protective Services, 696 Department of Criminal Justice

**LBB Staff:** JMc, SMAT, GP, WP, LBO, MW, DA, GDZ, SLE, LCO

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 28, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (Relating to the elements of the criminal offense of election fraud; increasing criminal penalties.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the definition and penalties of election fraud in the Election Code relating to invalid votes.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SMAT, GP, SLE, LCO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 28, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (relating to the elements of the criminal offense of election fraud; increasing criminal penalties.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the definition and penalties of election fraud in the Election Code relating to invalid votes.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SLE, LCO, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 17, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (Relating to the prevention of fraud in the conduct of an election.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

This bill would amend the definition and penalties of election fraud in the Election Code relating to invalid votes.

According to the Secretary of State, no significant fiscal impact to the state is anticipated.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State

**LBB Staff:** JMc, SLE, LCO, GP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**87TH LEGISLATIVE REGULAR SESSION**

**May 13, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (Relating to the creation of criminal offenses involving elections.), **As Passed 2nd House**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to the offense of other election offenses. Under the provisions of the bill, other election offenses would be created to include certain behaviors and the offenses would now be punishable by a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the behaviors for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

**Source**

**Agencies:**

**LBB Staff:** JMc, LBO, LM, MP, SMAT, SLE

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT  
87TH LEGISLATIVE REGULAR SESSION**

**May 5, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (relating to the creation of criminal offenses involving elections.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to the offense of other election offenses. Under the provisions of the bill, other election offenses would be created to include certain behaviors and the offenses would now be punishable by a second degree felony.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000.

Expanding the behaviors for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

**Source**

**Agencies:**

**LBB Staff:** JMc, SMAT, LM, MP, SLE

**LEGISLATIVE BUDGET BOARD****Austin, Texas****CRIMINAL JUSTICE IMPACT STATEMENT****87TH LEGISLATIVE REGULAR SESSION****April 28, 2021****TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs**FROM:** Jerry McGinty, Director, Legislative Budget Board**IN RE: HB574** by Bonnen (Relating to the elements of the criminal offense of election fraud; increasing criminal penalties.), **As Engrossed**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to the offense of election fraud. Under the provisions of the bill, election fraud would be expanded to include certain behaviors and the offense would now be punishable by a second degree felony. Under existing statute, election fraud is punishable by a Class A Misdemeanor.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Expanding the behaviors for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. During fiscal years 2018 through 2020, fewer than 10 people were arrested and fewer than 10 people were placed onto direct community supervision for election fraud under existing statute. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

**Source****Agencies:****LBB Staff:** JMc, SMAT, LM, SLE, MP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**87TH LEGISLATIVE REGULAR SESSION**

**March 30, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (relating to the elements of the criminal offense of election fraud; increasing criminal penalties.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to the offense of election fraud. Under the provisions of the bill, election fraud would be expanded to include certain behaviors and the offense would now be punishable by a second degree felony. Under existing statute, election fraud is punishable by a Class A Misdemeanor.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating an offense for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal years 2018 through 2020, fewer than 10 people were arrested, fewer than 10 people were placed onto direct community supervision, and fewer than 10 people were admitted into a state correctional institution for election fraud under existing statute. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

**Source**

**Agencies:**

**LBB Staff:** JMc, SLE, LM, MP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**87TH LEGISLATIVE REGULAR SESSION**

**March 17, 2021**

**TO:** Honorable Briscoe Cain, Chair, House Committee on Elections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB574** by Bonnen (Relating to the prevention of fraud in the conduct of an election.), **As Introduced**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend the Election Code as it relates to the offense of election fraud. Under the provisions of the bill, election fraud would be expanded to include certain behaviors and the offense would now be punishable by a second degree felony. Under existing statute, election fraud is punishable by a Class A Misdemeanor.

A second degree felony is punishable by confinement in prison for a term from 2 to 20 years and, in addition to confinement, an optional fine not to exceed \$10,000. A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and, in addition to confinement, an optional fine not to exceed \$4,000.

Creating an offense for which a criminal penalty is applied is expected to result in additional demands upon the correctional resources of counties or of the State due to an increase in the number of individuals placed under supervision in the community or sentenced to a term of confinement within state correctional institutions. In fiscal years 2018 through 2020, fewer than 10 people were arrested, fewer than 10 people were placed on direct community supervision, and fewer than 10 people were admitted into a state correctional institution for election fraud under existing statute. This analysis assumes implementing the provisions of the bill addressing felony sanctions would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

**Source**

**Agencies:**

**LBB Staff:** JMc, SLE, LM, MP